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Counsel for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT****DISTRICT OF NEVADA**

In re:  
USA COMMERCIAL MORTGAGE COMPANY,  
  
Debtor.

In re:  
USA CAPITAL REALTY ADVISORS, LLC,  
  
Debtor.

In re:  
USA CAPITAL DIVERSIFIED TRUST DEED  
FUND, LLC,  
  
Debtor.

In re:  
USA CAPITAL FIRST TRUST DEED FUND,  
LLC,  
  
Debtor.

In re:  
USA SECURITIES, LLC,  
  
Debtor.

Affects:  
☐ All Debtors  
☒ USA Commercial Mortgage Company  
☐ USA Capital Realty Advisors, LLC  
☐ USA Capital Diversified Trust Deed Fund, LLC  
☐ USA Capital First Trust Deed Fund, LLC  
☐ USA Securities, LLC

Case Nos.:  
BK-S-06-10725-LBR  
BK-S-06-10726-LBR  
BK-S-06-10727-LBR  
BK-S-06-10728-LBR  
BK-S-06-10729-LBR

JOINTLY ADMINISTERED  
Chapter 11 Cases

Judge Linda B. Riegle Presiding

**NOTICE OF FILING PROOF OF  
SERVICE OF SUBPOENA FOR  
RULE 2004 EXAMINATION**

NOTICE IS GIVEN that the USACM Liquidating Trust herewith files the:

**Proof of Service of Subpoena for Rule 2004 Examination  
of Stein & Lubin (Exhibit A Attached).**

1 DATED: May 9, 2007

2 **DIAMOND MCCARTHY LLP**

**LEWIS AND ROCA LLP**

3  
4 By: /s/ Eric D. Madden  
5 Allan B. Diamond, TX 05801800 (pro hac vice)  
6 William T. Reid, IV, TX 00788817 (pro hac vice)  
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*Special Litigation Counsel for  
USACM Liquidating Trust*

By: /s/ Rob Charles  
Susan M. Freeman, AZ 4199 (pro hac vice)  
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*Counsel for USACM Liquidating Trust*

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): <b>ERIC D. MADDEN</b> <b>DIAMOND MCCARTHY LLP</b> <b>1201 ELM STREET, 34th FLOOR</b> <b>DALLAS TX 75270</b>		TELEPHONE NO.: <b>214.389.5306</b>	FOR COURT USE ONLY	
ATTORNEY FOR (Name): <b>PLAINTIFF</b>		Ref. No. or File No.: <b>USA COMMERCIAL MORTGAGE</b>		
Insert name of court and name of judicial district and branch court if any: <b>UNITED STATES BANKRUPTCY COURT, NORTHERN DISTRICT OF CALIFORNIA</b>				
SHORT TITLE OF CASE: <b>USA COMMERCIAL MORTGAGE COMPANY, USA CAPITAL</b>				
<b>PROOF OF SERVICE (SUBPOENA)</b>	DATE: <b>6/15/2007</b>	TIME: <b>10:00AM</b>	DEPT./DIV.:	CASE NUMBER: <b>BK-S-06-10725 LBR</b>

1. At the time of service I was at least 18 years of age and not a party to this action, and I served copies of the (specify documents):  
SUBPOENA FOR RULE 2004 EXAMINATION

2. a. Party served (specify name of party as shown on the documents served):  
STEIN & LUBIN LLP ATTN: MANAGING PARTNER

b. Person served: ☐ party in item 2a: ☒ other (specify name and title or relationship to the party named in item 2a):  
LINDA LINGREN, AUTHORIZED AGENT FOR SERVICE OF PROCESS

c. Address: 600 MONTGOMERY STREET, 14th FLOOR, SAN FRANCISCO, CA 941111

3. I served the party named in item 2

a. ☒ by personally delivering the copies (1) on (date): 5/4/2007 (2) at (time): 3:45PM

b. ☐ by leaving the copies with or in the presence of (name and title or relationship to the party named in item 2b):

(1) ☐ (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person served. I informed him or her of the general nature of the papers

(2) ☐ (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the person I served. I informed him or her of the general nature of the papers

(3) on (date): (4) at (time):

(5) ☐ A declaration of diligence is attached. (Substituted service on natural person, minor, conservatee, or candidate.)

c. ☐ by mailing the copies to the person served, addressed as shown in item 2c, by first-class mail, postage prepaid,

(1) on (date): (2) at (city):

(3) ☐ with two copies of the Notice and Acknowledgment of Receipt and a postage-paid return envelope addressed to me:

(4) ☐ to an address outside California with return receipt requested.

(Attach completed form.) →

d. ☐ by causing copies to be mailed. A declaration of mailing is attached.

e. ☐ other (specify other manner of service and authorizing code section):

4. The "Notice to the Person Served" (on the summons) was completed as follows:

a. ☐ as an individual defendant.

b. ☐ as the person sued under the fictitious name of (specify):

c. ☐ on behalf of (specify):

under ☐ CCP 416.10 (corporation)  
☐ CCP 416.20 (defunct corporation)  
☐ CCP 416.40 (association or partnership)

☐ CCP 416.60 (minor)

☐ CCP 416.70 (conservatee)

☐ CCP 416.90 (individual)

☐ other:

5. Person serving (name, address and telephone No.):

DREW SOTO

ESQUIRE DOCUMENT RETRIEVAL SERVICE

3401 LOUISIANA, SUITE 300

HOUSTON, TX 77002

713-523-5061

a. Fee for service: \$90.00

b. ☐ Not a registered California process server.

c. ☐ Exempt from registration under B&P § 22350(b).

d. ☒ Registered California process server.

(1) ☒ Employee or independent contractor

(2) Registration No.:

(3) County

6. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

7. ☐ I am a California sheriff, marshal, or constable and I certify that the foregoing is true and correct.

Date: 5/8/2007

PP#: 94248

(SIGNATURE)

Form Adopted by Rule 982  
Judicial Council of California:  
982(a)(23) (New July 1, 1997)

**PROOF OF SERVICE  
(SUBPOENA)**

**ERCIAL MORTGAGE COMPANY, USA CAPITAL**

EXHIBIT "A"